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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Jesus BELTRAN-Vizcala,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED
2008 FEB 04 2 33 AM 9:36
CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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BY *[Signature]*
'08 MF 0423
RELATION OF
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the

The undersigned complainant, being duly sworn, states:

On or about **February 12, 2008** within the Southern District of California, defendant, **Jesus BELTRAN-Vizcala**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF FEBRUARY, 2008.

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jesus BELTRAN-Vizcala****PROBABLE CAUSE STATEMENT**

On February 12, 2008, Border Patrol Agent V. Zagorov was patrolling in Barrett Junction, California. This area is approximately four miles north of the United States/Mexico International Boundary and five miles west of the Tecate, California Port of Entry.

At approximately 9:45 a.m., Agent Zagorov responded to a seismic sensor activation. Upon arriving Agent Zagorov observed one individual walking north through the brush. After a search of the area, Agent Zagorov located that individual attempting to conceal himself in some thick brush. Agent Zagorov identified himself as a United States Border Patrol Agent and questioned him as to his citizenship and immigration status. The subject, later identified as the defendant **Jesus BELTRAN-Vizcala**, admitted that he was a citizen of Mexico without any immigration documents that would allow him to enter into or remain in the United States legally. The defendant was placed under arrest and transported to the Brownfield Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 18, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.